

AF  
ZJW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

James M. Barton, et al.

) Confirmation No.: 5130  
)

) Examiner: Rueben M. Brown  
)

) Group Art Unit No.: 2611  
)

Serial No.: 09/422,121

Filed on: October 20, 1999

For: DATA STORAGE MANAGEMENT AND SCHEDULING SYSTEM

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DISCLOSURE OF RELATED OFFICE ACTIONS AND  
INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 together with copies of the documents cited on that form, if needed. Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):

37 C.F.R. §1.97(b). It is respectfully requested that the cited documents be considered and that the enclosed Information Disclosure Citation Form PTO-1449 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

37 C.F.R. §1.97(c). If so, then this Information Disclosure Statement includes one of the following:

A statement pursuant to 37 C.F.R. §1.97(e)

1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

1.97(e)(2) The undersigned hereby states that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the cited documents be considered and that the enclosed Information Disclosure Citation Form PTO-1449 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

37 C.F.R. §1.97(d). If so, then this Information Disclosure Statement includes the following:

A statement pursuant to 37 C.F.R. §1.97(e)

1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; OR

1.97(e)(2) The undersigned hereby states that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

AND

A check for \$180.00 for the fee under 37 C.F.R. §1.17(i) for submission of the Information Disclosure Statement.

It is respectfully requested that the cited documents be considered and that the enclosed Information Disclosure Citation Form PTO-1449 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

37 C.F.R. §1.97(i). Applicants are submitting references to satisfy Applicants' disclosure obligations in hopes that the references will be considered by the Examiner. Although the submission does not fully meet 37 C.F.R. §1.97, Applicant respectfully requests that the cited documents be considered and that the enclosed Information Disclosure Citation Form PTO-1449 be initialed by the Examiner to indicate such consideration and a copy thereof returned to Applicant(s). It is understood that if the Examiner does not consider the cited references, the cited documents will be placed in the file pursuant to 37 C.F.R. §1.97(i).

Accordingly, copies of the references as listed on the attached Form PTO 1449 are submitted herewith. No certification or fees are deemed necessary.

The Examiner is hereby notified that the present application is related to the following related application(s):

**DISCLOSURE OF RELATED APPLICATIONS**

U.S. Application/ Pat. No.	File Date	Atty. Docket. No.

The related application(s) may contain subject matter that is related to the subject matter of the present application. The related application(s) may contain one or more claims that may be substantially similar to one or more claims in the present application, and those claims may have been rejected in the related application(s). Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.

The Examiner is hereby notified that for the following related application(s) an Office Action has been received as indicated below:

**DISCLOSURE OF OFFICE ACTIONS**

U.S. Application/ Pat. No.	File Date	Office Action Mailing Date	Atty. Docket. No.
10/339,700	1/8/2003	10/20/2006	60097-0234

The related application(s) may contain one or more claims that may be substantially similar to one or more claims in the present application, and those claims may have been rejected in the related application(s). Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.

Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: November 6, 2006



Kirk D. Wong  
Reg. No. 43,284

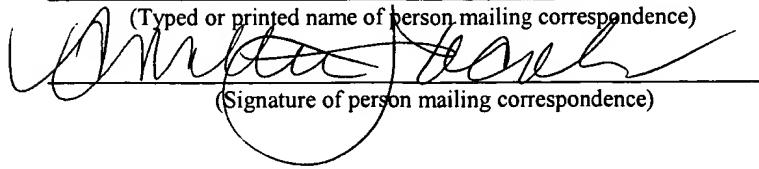
2055 Gateway Place, Suite 550  
San Jose, California 95110-1089  
Telephone: (408) 414-1080 ext. 214  
Facsimile: (408) 414-1076

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 6, 2006.

(Date of Deposit)

Annette Jacobs

(Typed or printed name of person mailing correspondence)



(Signature of person mailing correspondence)



NOV 13 2006

PTO/SB/08a (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTC

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(Use as many sheets as necessary)*

Sheet 1

of

**Complete if Known**

09/422.121

October 20, 1999

October 29, 1966

2611

2011 Rueben M. Brown

Rueben M. F.  
60097-0039

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)			

Examiner Signature	Date Considered	
-----------------------	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.<sup>1</sup> Applicant's unique citation designation number (optional).<sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.<sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**

Customer Ref. No. P0006